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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,022	01/19/2001	Jamshid Eftekhari	NC33311	7835
29683	7590	08/23/2005	EXAMINER	
HARRINGTON & SMITH, LLP 4 RESEARCH DRIVE SHELTON, CT 06484-6212			NGUYEN, JENNIFER T	
			ART UNIT	PAPER NUMBER

2674

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/766,022

Applicant(s)

EFTEKHARI, JAMSHID

Examiner

Jennifer T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office action is responsive to amendment filed on 1/14/2005.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagata et al. (EP 0 637 171 A2) in view of Bridson (Patent No.: US 6,359,270) and further in view of Morgenthaler (Patent No.: US 6,310,609).

Regarding claims 1, 10, 17, and 26, referring to Figs. 7, 8, 10, 11, and 17, Nagata teaches a method in a device (2) having a plurality of character-entry pressure points (21-24) for selecting a function; detecting a reference to a character encoding having a corresponding function; detecting an entry by the character-entry pressure point (21-24); and triggering the function (col. 4, lines 26-54, col. 5, lines 6-13).

Nagata differs from claims 1, 10, 17, and 26 in that he does not specifically teach the function is markup language file function and illuminating at least one character-entry pressure point having a character encoding. However, referring to Figs. 10 and 12, Bridson teaches the markup language function and hyperlinks are been display on a TV (col. 3, lines 55-65, col. 14, lines 49-56 and col. 22, lines 33-60) and referring to Figs. 4 and 5, Morgenthaler discloses illuminating at least one character-entry pressure point having a character encoding (abstract, col. 9, lines 32-41, lines 47-61). Therefore it would have been obvious to one of ordinary skill in the

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art at the time the invention was made to incorporate the function is markup language file function as taught by Bridson and the illuminating at least one character-entry pressure point having a character encoding as taught by Morgenthaler in the system of Nagata in order to allow user to user access to the internet easily and highlight the portions of a display, easily select the functions by inputting specific illuminating associated with the function and to improve the performance.

Regarding claims 2 and 18, the combination of Nagata, Bridson, and Morgenthaler teaches illuminating the at least one character-entry pressure point comprises illuminating less than the plurality of character-entry pressure points (col. 5, lines 35-40 of Morgenthaler).

Regarding claims 3 and 19, the combination of Nagata, Bridson, and Morgenthaler teaches the device has displayed a number of references and illuminating the at least one character-entry pressure point comprises illuminating the number of character-entry pressure points (col. 6, lines 33-67 of Morgenthaler).

Regarding claims 4, 5, 20 and 21, Nagata further teaches detecting an entry by the character-entry pressure point comprises detecting a key-press and a key-release (col. 4, lines 26-54, col. 5, lines 6-13).

Regarding claims 6 and 22, Nagata further teaches detecting an entry by the character-entry pressure point comprises detecting a long-duration key press (col. 4, lines 26-54, col. 5, lines 6-13).

Regarding claims 7, 8, 15, 23 and 24, the combination of Nagata, Bridson, and Morgenthaler teaches trigger a function comprises a step of displaying a card and reading a deck (col. 20, line 23 to col. 21, line 6 of Bridson).

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Regarding claims 9 and 25, although the combination of Nagata, Bridson, and Morgenthaler does not specifically teaches triggering a function further comprises moving a cursor. However, it is known in the art and it would have been obvious to obtain triggering a function further comprises moving a cursor in order to perform the functions or to access to links easily.

Regarding claim 11, the combination of Nagata, Bridson, and Morgenthaler teaches illuminating a light emitting diode (LED) near the character-entry pressure point (col. 3, lines 60-64 of Morgenthaler).

Regarding claims 12 and 13, Nagata teaches detecting comprises sensing a long duration circuit closure (col. 8, lines 19-48).

Regarding claim 14, Nagata teaches detecting comprises sensing a circuit opening (col. 8, lines 19-48).

Regarding claim 16, the combination of Nagata, Bridson, and Morgenthaler teaches triggering comprises reading a second markup language file (col. 20, line 23 to col. 21, line 6 of Bridson).

Regarding claim 27, Nagata teaches the CPU is further programmed to illuminate the manual user data entry device with a sufficient number of colors to present the identified string occurrences (col. 4, lines 26-54, col. 5, lines 6-13).

Regarding claim 28, the combination of Nagata, Bridson, and Morgenthaler teaches the wireless device comprises a mobile phone (col. 18, lines 37-49).

Regarding claim 29, the combination of Nagata, Bridson, and Morgenthaler teaches the filed is received through a wireless link using a wireless transceiver having an output coupled to the CPU (col. 19, lines 36-38 of Bridson).

Response to Arguments

4. Applicants' arguments filed 1/14/2005, have been fully considered but they are not persuasive because as follows:

In response to Applicants' argument stated "the use of other than the fixed color keys 25 is not suggested, as a problem encountered by Nagata et al. is that in regions where the service is not offered, the fixed color keys on the remote controller become unnecessary, requiring the provisioning of two types of remote controllers". Nagata teaches remote controller comprises color keys (i.e., red key 21, green key 22, yellow key 23, and cyan key 24) corresponding for a specific function on the display 19 in characters of the same color as the color key, and execute the function when the color key is depressed (abstract). Morgenthaler teaches different color can be illuminated for different keys (abstract). Therefore, it would have been obvious to obtain different color can be illuminated for different keys as taught by Morgenthaler in the system of Nagata in order to illuminate different color for different key, each color key is assigned for a corresponding function to be displayed on the display when it is depressed, resulting an ability to obtain a greater functionality from less keystrokes from user. Bridson teaches accessing to the web browsers or hyperlink by pressing the icon-based tool bar (button) on touch screen display (col. 11, lines 39-55). Therefore, it would have been obvious to obtain the connection to the hyperlink file by pressing the button as taught by Bridson in the system of the combination of Nagata and Morgenthaler in order to access to each hyperlink that points to a unique function has

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a corresponding color key by pressing that key. In response to Applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Nagata, Morgenthaler and Bridson teaches about input and output system which is depressing the keys or buttons to make input selection to display a specific function on the display. Therefore, the ground of rejection is still maintained.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer T. Nguyen whose telephone number is 571-272-7696.

The examiner can normally be reached on Mon-Fri: 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick N. Edouard can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer Nguyen
8/18/05


REGINA LIANG
PRIMARY EXAMINER